

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY BUUS, et al., individually and on behalf)
of all others similarly situated,)

Plaintiffs,)

v.)

WAMU PENSION PLAN, et al.,)

Defendants.)

No. 07-CV-00903 MJP

STIPULATION AND ORDER RE:
CLASS NOTICE

STIPULATION AND ORDER

WHEREAS, on July 27, 2010, the Court entered an order preliminarily approving settlement of this action (the "Preliminary Approval Order") (Dkt. #266). In the Preliminary Approval Order, the Court approved the proposed form of the Mailed Notice that is to be distributed to the Settlement Class, which was filed as Exhibit 3 to Named Plaintiffs' and Defendants' Joint Motion for Preliminary Approval of Proposed Settlement, Approval of Notice Plan, and Time for Final Approval Hearing.

WHEREAS, the Parties hereby bring to the Court's attention clerical errors in Paragraphs 1 and 12 of the Mailed Notice and submitted to the Court an amended Mailed Notice (the "Amended Mailed Notice"), which corrects these clerical errors.

WHEREAS, the Court approves the Amended Mailed Notice that is submitted herewith, and orders the distribution of the Amended Mailed Notice in accordance with the terms of the Preliminary Approval Order.

1 Attached hereto as Exhibit A is a redlined version of the Mailed Notice, showing
2 the corrected Paragraphs 1 and 12. Specifically, the corrections are as follows: 1) the change to
3 Paragraph 1 clarifies that, in addition to the settlement being contingent upon receiving Final
4 Approval of the settlement from this Court and receiving Internal Revenue Service Approval of
5 an amendment to the WaMu Pension Plan, the settlement is also contingent upon receiving
6 approval from the Bankruptcy Court in the District of Delaware; and 2) the change to paragraph
7 12 confirms, in accordance with the Preliminary Approval Order, that the written application for
8 fees and expenses “will be filed at the time the Plan of Allocation is filed, by October 8, 2010,”
9 and not, as the notice is currently written, “at the time a motion for preliminary approval is
10 filed.”

11 Attached hereto as Exhibit B is a clean version of the Amended Mailed Notice.

12 **ORDER**

13 The Court approves the form of the Amended Mailed Notice, and orders the
14 distribution of the Amended Mailed Notice in accordance with the terms of the entered
15 Preliminary Approval Order.

16 Date: September 20, 2010

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20 Marsha J. Pechman
21 United States District Judge
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Presented By:

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all known counsel of record, listed below:

Ladd B. Leavens, Fred B. Burnside, Anne E. Rea, Danielle J. Carter and Rachel Blum Niewoehner.

DATED this 20th day of September, 2010.

s/ Karin B. Swope
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